

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TODD CHARLES PENN,

Plaintiff,

Case No. 17-cv-10862
Hon. Matthew F. Leitman

v.

BED BATH & BEYOND, INC., *et al*,

Defendants.

**ORDER (1) DENYING WITHOUT PREJUDICE DEFENDANT BED BATH
& BEYOND, INC.'S MOTION FOR SUMMARY JUDGMENT (ECF #25)
AND (2) TERMINATING AS MOOT PLAINTIFF'S MOTION TO EXTEND
TIME TO FILE A RESPONSE (ECF #27)**

On March 7, 2018, Defendant Bed Bath & Beyond, Inc. filed a motion for summary judgment. (*See* Bed Bath Mot., ECF #27.) Bed Bath filed its motion well before the May 14, 2018, fact discovery cutoff and the June 15, 2018, dispositive motion deadline. (*See* ECF #24.) Instead of filing a response to Bed Bath's motion, Plaintiff Todd Charles Penn has asked the Court to extend the time he has to respond to the motion until after the close of fact discovery. (*See* Penn Mot., ECF #27.)

The Court has reviewed both motions and concludes that it is appropriate at this time to **DENY WITHOUT PREJUDICE** Bed Bath's summary judgment motion. Bed Bath may re-file its motion after the close of fact discovery. Because

the Court has denied Bed Bath's motion, Penn's motion for an extension of time to respond to that motion is **TERMINATED AS MOOT**.

IT IS SO ORDERED.

Dated: March 27, 2018

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 27, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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